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10/669,249	09/25/2003	Takeshi Kanai	243073US6	3189
22850 7590 10/09/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TERMANINI, SAMIR	
			ART UNIT	PAPER NUMBER
			2178	
			NOTIFICATION DATE	DELIVERY MODE
			10/09/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/669,249

**Applicant(s)**

KANAI, TAKESHI

**Examiner**

Samir Termanini

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/17/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

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### **BACKGROUND**

1. This Final Office Action is responsive to the following communications:  
Request for Continued Examination (R.C.E.) filed on 7/19/2007.
2. Claims 1-5 are pending in this case. The Applicant has amended claims 1 and 4-5. Claims 1 and 4-5 are in independent form.
3. Applicant has amended the Abstract to correct typographical errors.

### **RESPONSE TO AMENDMENT**

4. Arguments concerning the Examiner's Rejections of claims 1-5 under 35 U.S.C. §102(b) in the previous Office Action (Mail dated: 2/23/2007) have been fully considered and are persuasive. The Rejections the of claims 1-5 under 35 U.S.C. §102(b) are Withdrawn.

### **CLAIM OBSERVATIONS**

5. A claim limitation will be interpreted to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:

Art Unit: 2178

(A) the claim limitations must use the phrase "means for" or "step for;"

(B) the "means for" or "step for" must be modified by functional language; and

(C) the phrase "means for" or "step for" must not be modified by sufficient structure, material or acts for achieving the specified function.

6. Claims 1 and 4-5 are not being treated under 35 U.S.C. 112, sixth paragraph.

Although claims 1, and 4-5, include the phrase "means for" or "step for" they are modified (after each "wherein:" clause) by sufficient structure, material or acts for achieving the specified function.

### CLAIM REJECTIONS - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Harada et al.* (U.S. Pat No. 6,486,890) in view of *Iwata et al.* (PGPub No. US 2002/0073122 A1).

#### I. Scope of the Prior Art and the Level of Ordinary Skill<sup>1</sup>

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<sup>1</sup> "Factors that may be considered in determining level of ordinary skill in the art include (1) the educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology;

*Harada et al.* disclose an image display device having a main body with a display screen A and a second display screen B and a physical hinge connecting them. The two play units are opened and closed at the link so that display screens are folded over each other for carrying like a book, and they are opened in a use mode to permit the recognition of the display image.

*Iwata et al.* teaches a display apparatus made to display electronic book-form contents, document contents made up in units of page, on a monitor screen, and more particularly to a technique suitable, for example, for use in turning the pages for looking for a reading place while seeing information on the pages of magazines, newspapers, manuals, or the like on the monitor screen. (para. [0002]) In *Iwata et al.*'s automatic paging display mode, only an image is extracted from each page and displayed to make a partial display of each page, thus displaying only an image portion which is instantaneously and easily seizable at the paging. (para. [0035])

## II. Obviousness and Analysis of Claimed Differences

As to independent **claim 1**, *Harada et al.* teach an information processing device (Portable Terminal 1, Fig.1) comprising: storage means (memory circuit 516, col. 13, lines 50-60) for storing content data of predetermined content (predetermined amount of data, col. 13, lines 50-60); and display control means (console unit 519, LCD's 54, and VRAM, col. 13, lines 55-65) for controlling display of the predetermined content ("...information of a predetermined format..." col. 6, lines 28-29; *see also* predetermined

Art Unit: 2178

amount of data, col. 13, lines 50-60) based on the stored content data (e.g. "recorded on a magneto-optical disk," col. 8, lines 1-15) (data read from the record medium, col. 14, line 53), wherein: the predetermined content is divided into a plurality of blocks ("pages," col. 8, lines. 1-15) to be consecutively displayed ("appear sequentially," col. 8, lines. 1-15). The taught display controller displays the predetermined content using positional data (in one express teaching: a book, col. 22, lines 55-64) is made up of blocks ("page" col. 22, lines 55-64). The blocks ("page," col. 22, lines 55-64; Also see "pages" col. 17, lines 25-40) are indexed so that 'block one' (page one) displays before 'block two' (page two) (e.g. "pages of recorded newspapers and magazines appear sequentially," col. 8, lines 5-7) . The "ordering" data of each blocks' position relative to either the previous or subsequent block is the positional data for the positioning of each blocks ("the first page is disappeared from the display and the next<sup>d</sup> page is moved to the screen on which the disappeared page was displayed and the next new page is displayed." col. 23, lines 38-44). Furthermore, the content itself includes the positional data in the header of the column data ("Additional information such as orientation of column and page sections...is added as a header in front of the column data .," col. 19, line 65 -to- col. 20, line 4)(emphasis added). The display controller sequentially displays ("appear sequentially by depressing a button," col. 8, lines 1-15) one of the predetermined blocks in units of the blocks (e.g. "page sections" see col. 19, line 65 -to- col. 20, line 4).

*Harada et al.* differs from claim 1 in several regards. First, *Harada et al.* does not specifically teach illustrate the predetermined position in units of the blocks.

Second, *Harada et al.* is silent as to the positional data including data that describes the position of the subsequent block in terms relative to the position of the previous block

However, *Iwata et al.* teaches the predetermined position in units of the blocks ("...while seizing the contents of each page, the reader selects one of the plurality of automatic paging display modes, in which case the respective pages are partially or schematically displayed successively ...," para. [0027]), said positional data ("...In this case, the document constituting information includes composition information, ID (Identification Information) of each element, positional information on each element and appearance information....," para. [0009]) including data that describes the position of the subsequent block in terms relative to the position of the previous block ("...the sequential paging is selected ("sequential paging" route in step S211), and the whole contents of the next page [or the previous page] are displayed on the display panel 11 (step S22), and then followed again by the step S20...," para. [0138]).

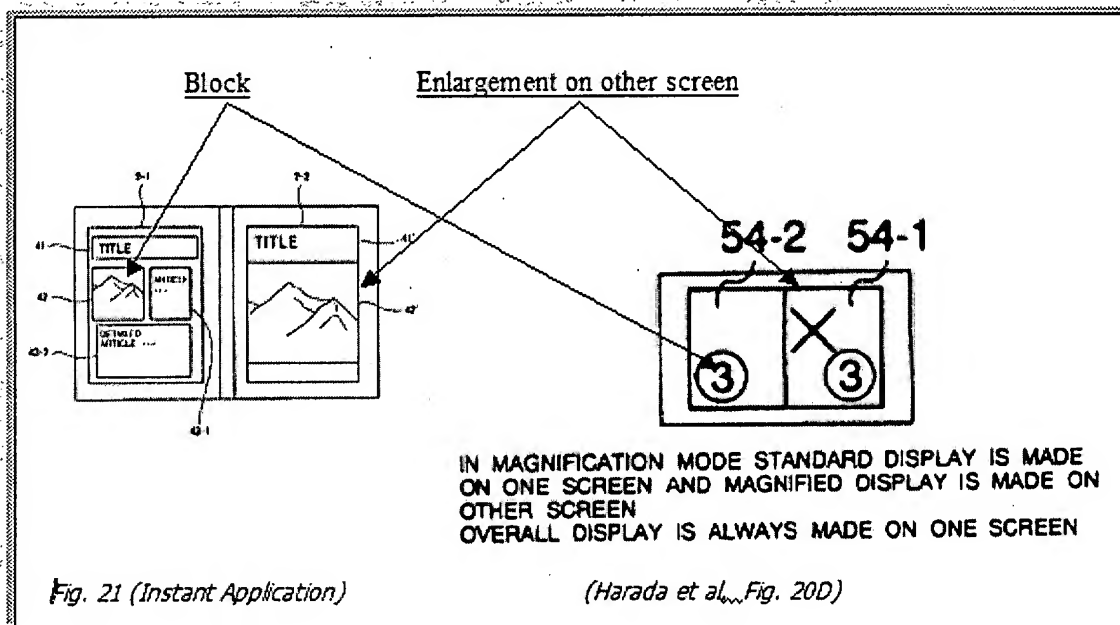
It would have been obvious to one ordinary skill in the relevant field at the time the invention was made to utilize the positional data taught in *Iwata et al.*, as claimed, with the device of *Harada et al.* because: *paging* is recognized by *Iwata et al.*, to be a solution that is advantageously suitable for use with electronic books<sup>2</sup> ("...The present invention has been developed with a view to eliminating these problems, and it is

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<sup>2</sup> In resolving obviousness issues, a finding that there is no teaching-suggestion-motivation does not establish patentability if other indicia of obviousness are present. *KSR Int'l v. Teleflex Inc.*, 82 USPQ2d at 1396-97.

therefore an object of the invention to realize a high-operability page turning function capable of, in reading document contents on a monitor screen..., " para. [0023]).

As to dependent **claim 2**, *Harada et al.* further teach, the limitations of claim 1, wherein the display control means controls two different screens ("two LCD screens 54-1 and 54-2," col. 22, lines 11-23), and in said display control means, display of the content based on the content data on one screen is controlled and display on the other screen of content formed by enlarging the predetermined block in the predetermined content ("Entire Image on One Side and Magnified Image on the Other Side. When two pages are displayed on the two LCD screens (54-1 and 54-2) and one of the LCDs (for example, the right 54-1) is magnified," col. 22, lines 11-23). Further shown below:



As shown and compared above, *Harada et al.* teach in Fig. 20D, *inter alia*, the predetermined block for which enlargement is directed.



As to dependent **claim 3**, *Harada et al.* further teach, the limitations of claim 1, wherein, when enlargement is directed for the predetermined block (Fig 20D, above) said display control means extracts pieces of the content data ("...the data on the record medium is read and...decompressed...by the decompressor 513 and it is transferred to the memory circuit 515," col. 18, lines 14-18) which relate to the predetermined block for which the enlargement is directed (display control means is able to direct enlargement, e.g. a VRAM 516 that is divided into two parts corresponding to the two display screens 54-1 and 54-2 of the LCD 54.), and controls content based on the pieces of the content data so as to be displayed at a predetermined magnification (e.g. magnified by a factor of two, col. 13, lines 64-65).

As to independent **claim 4**, this claim differs from claim 1 only in that it is directed to a method carried out by apparatus of claim 1. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 1, above.

As to independent **claim 5**, this claim differs from claim 4 only in that the latter is directed to a product defined by the process of the former. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 4, above.

### RESPONSE TO ARGUMENTS

9. Applicant's arguments, see p. 6-7, , filed 11/15/2006, addressing the Rejections cited by the Examiner in the previous Office Action (dated 8/15/2006), with respect to claim 1, been fully considered but they are not persuasive.

Art Unit: 2178

*Harada et al.* teach the blocks ("page," col. 22, lines 55-64; Also see "pages" col. 17, lines 25-40) wherein the content itself includes the positional data in the header of the column data ("Additional information such as orientation of column and page sections...is added as a header in front of the column data. ," col. 19, line 65 –to– col. 20, line 4).

### RESPONSE TO ARGUMENTS

10. Applicant arguments, see pp. 6-7 filed 7/19/2007, with respect to the 35 U.S.C. §102(e) Rejections cited by the Examiner in the previous Office Action (Mail dated: 2/23/2007), have been fully considered and are persuasive. Therefore, the rejection(s) have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. § 103(a) in by *Harada et al.* in view of *Iwata et al.*, detailed above. Applicant's remaining arguments with respect to claims 1-5 have been considered but are directed toward rejections that have been withdrawn.

Briefly, Applicant argued,

So as to expressly address the issues identified in the Office Action, each of the independent claims has been amended to state "said positional data including data that describes the position of the subsequent block in terms that are relative to the position of the previous block". Consequently, it is respectfully submitted that each of the independent claims now expressly includes these features.

The Examiner has addressed these new features in this action.

Applicant argued,

This was specifically added to avoid the broad claim construction made in the previous Office Action, where the Office Action concludes that

Harada's reference to "orientation of column and page sections", corresponds with the claimed "location".

The Examiner notes that during patent examination, the claims must be interpreted as broadly as their terms reasonably allow.<sup>3</sup> In other words, the pending claims must be "given their broadest reasonable interpretation consistent with the specification."<sup>4</sup> Additionally, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.<sup>5</sup>

### CONCLUSION

11. The following prior art is made of record and, while not relied upon, is considered pertinent to Applicants' disclosure:

- [1] Kuno et al. (US Pat. No. 5,467,102) for teaching a portable display device capable of presenting simultaneous display of different parts of the document in reasonable sizes on at least two display screens.
- [2] Reavey et al. (US Pat. No. 5,847,698) for teaching an electronic book device with means for orientating the material on the electronic display unit responsive to an opening position of the electronic book device.
- [3] Rohrbaugh et al. (PGPUB 20020091738 A1) for teaching resolution-independent vector display of internet content to allow it to be scaled (zoomed) larger and smaller for better viewing or to fit any resolution or screen size.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.


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<sup>3</sup> In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004).

<sup>4</sup> Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Samir Termanini  
Patent Examiner  
Art Unit 2178

  
STEPHEN HONG  
SUPERVISORY PATENT EXAMINER

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<sup>5</sup> In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).